

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA

KEVIN RUSHING,	)	
	)	
Petitioner,	)	
	)	
vs.	)	Case Number CIV-14-297-C
	)	
STATE OF OKLAHOMA, et al.,	)	
	)	
Respondents.	)	

**ORDER**

On May 29, 2014, United States Magistrate Judge Suzanne Mitchell issued her Report and Recommendation (“R&R”) in this case in which Petitioner pursues habeas corpus relief. Judge Mitchell recommended that Petitioner’s claim be dismissed for failure to timely pay the filing fee. To date, Petitioner has not responded to Judge Mitchell’s R&R. Rather, Petitioner has filed another Petition for Writ of Habeas Corpus, a Motion for Leave to Proceed in Forma Pauperis, and a Motion for Writ of Mandamus. These two latter documents are directed to the Tenth Circuit Court of Appeals. Even assuming the IFP request filed with the Tenth Circuit is meant to apply to the original writ, it is not on the required form and does not contain the certificate executed by an authorized officer of the institution where Petitioner is held. Therefore this document does not comply with LCvR3.3(b) and it cannot be considered. The Court finds Plaintiff has been given ample opportunity to pay the fee or properly seek IFP status and yet he has not done so.

Accordingly, the Court adopts, in its entirety, the Report and Recommendation of the Magistrate Judge (Dkt. No. 8), and for the reasons announced therein, DISMISSES Plaintiff's Petitions (Dkt. Nos. 1 and 9) without prejudice. All pending motions filed with this Court are stricken. A judgment will enter accordingly.

IT IS SO ORDERED this 28th day of July, 2014.



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ROBIN J. CAUTHRON  
United States District Judge